

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARRIE PERDUE,

Plaintiff,

vs.

TARGET CORPORATION, a foreign for-profit
corporation,

Defendant.

No.

DEFENDANT TARGET
CORPORATION'S NOTICE OF
REMOVAL OF ACTION PURSUANT TO
28 U.S.C. §§ 1332, 1441 AND 1446

(REMOVED FROM KING COUNTY
SUPERIOR COURT CAUSE NO. 21-2-
07386-3 KNT)

TO: Clerk of the Court;

AND TO: Plaintiff, by and through her counsel of record.

PLEASE TAKE NOTICE that Defendant Target Corporation (“Target”) hereby removes to this Court the state court action described below on the grounds stated herein and as supported by the Declaration of Alexandra E. Ormsby and the exhibits attached thereto.

I. INTRODUCTION & STATEMENT OF FACTS

On June 4, 2021, Plaintiff Carrie Perdue (“Plaintiff”) commenced a lawsuit in King County Superior Court entitled *Carrie Perdue v. Target Corporation*, cause number 21-2-07386-

3 KNT. Defendant Target Corporation was served with a copy of the Summons and Complaint on June 16, 2021. *Declaration of Alexandra E. Ormsby*, at Exhibit 1.

This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed “...within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1446(b)(3). Plaintiff is claiming more than \$75,000 in damages, pursuant to her counsel’s telephone call with Defendant’s counsel. *Ormsby Decl.*, at ¶3 and Ex. 2.

Target is a Minnesota corporation with headquarters located in Minneapolis, Minnesota. *Ormsby Decl.*, at Ex. 3. Plaintiff is a resident of King County, Washington. *Ormsby Decl.* at Ex. 1.

II. BASES FOR REMOVAL

A. There is Complete Diversity of Citizenship under 28 USC § 1332

This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a)(1). This action is one which can be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

Plaintiff is a resident of King County, Washington. *Ormsby Decl.*, at Ex. 1. Defendant Target is a Minnesota Corporation with its headquarters located in Minneapolis, Minnesota. *Ormsby Decl.*, at Ex. 3. Removal of the Plaintiff’s action to this Court is proper because there is complete diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332, and there was complete diversity at the time Plaintiff’s lawsuit was served.

B. The Amount in Controversy Exceeds the Jurisdictional Minimum

Plaintiff is claiming more than \$75,000 in damages, pursuant to her counsel's telephone call with Defendant's counsel. *Ormsby Decl.*, at ¶3 and Ex. 2. This information is sufficient to conclude that Plaintiff is seeking to recover in excess of \$75,000 in damages against Defendant.

C. This Notice of Removal is Timely Under 28 U.S.C. § 1446(b)

Defendant Target was served with a copy of the Summons and the Complaint in this matter on June 16, 2021. Defendant Target was unaware if Plaintiff's claims exceeded \$75,000 until the June 30, 2021 telephone call with Plaintiff's counsel. During this call, Plaintiff's counsel confirmed Plaintiff will be claiming more than \$75,000 in damages. *Id.* Defendant Target's Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed "...within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable." 28 U.S.C. § 1446(b)(3). The June 30, 2021 phone call was the first indication that Plaintiff intended to claim more than \$75,000 in damages. This Notice of Removal is being filed within thirty days of that call.

D. This Notice of Removal Complies with the Applicable Local Rules and Venue Is Proper in the Western District of Washington under 28 U.S.C. § 128(b)

This Notice of Removal complies with all applicable Federal Rules of Civil Procedure and Local Rules. Defendant Target has attached a Declaration of Alexandra E. Ormsby, filed in support of this Notice, copies of all process, pleadings, and orders served upon it in the state court action, as required by 28 U.S.C. § 1446. Venue is proper in this District pursuant to 28 U.S.C. §§ 128(b) and 1391, because this District encompasses King County, wherein Plaintiff filed the state court action being removed.

1 Defendant is serving Plaintiff's counsel with copies of this Notice of Removal and the
2 supporting Declaration of Alexandra E. Ormsby (with exhibits).

3 **III. CONCLUSION**

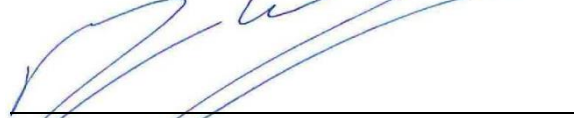
4 Plaintiff's civil action, originally filed in King County Superior Court for the State of
5 Washington, may be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District
6 Court for the Western District of Washington at Seattle.

7 DATED this 19th day of July, 2021.

8 FORSBERG & UMLAUF, P.S.

9 FORSBERG & UMLAUF, P.S.

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11 

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Attorney for Defendant Target Corporation

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing ***DEFENDANT TARGET CORPORATION'S NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §§ 1332, 1441 AND 1446*** on the following individuals in the manner indicated:

Mr. Allen N. Shabino
Attorney at Law
1700 - 7th Avenue, Suite 2100
Seattle, WA 98101
(X) Via ECF and Email: allen@shabinolawfirm.com

SIGNED this 19th day of July, 2021, at Seattle, Washington.

/s/ Erin D. Gray
Erin D. Gray